



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/055,513

01/23/2002

Anthony Brennan

1442026

9358

23405

7590

02/12/2008

HESLIN ROTHENBERG FARLEY & MESITI PC  
5 COLUMBIA CIRCLE  
ALBANY, NY 12203

EXAMINER

FETSUGA, ROBERT M

ART UNIT

PAPER NUMBER

3751

MAIL DATE

DELIVERY MODE

02/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10055513	1/23/2002	BRENNAN ET AL.	1442026

HESLIN ROTHENBERG FARLEY & MESITI PC  
5 COLUMBIA CIRCLE  
ALBANY, NY 12203

**EXAMINER**

Robert M.. Fetsuga

ART UNIT	PAPER
----------	-------

3751	20080211
------	----------

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The Board of Patent Appeals and Interferences affirmed the rejection(s) against independent claim(s) 1, 24, 28, 34 and 40, but reversed all rejections against claim(s) 6, 8, 9, 11-17, 23, 26, 27, 30 and 41 dependent thereon. There are no allowed claims in the application. The independent claim(s) is/are cancelled by the examiner in accordance with MPEP § 1214.06. Applicant is given a ONE MONTH TIME PERIOD from the mailing date of this letter in which to present the dependent claim(s) in independent form to avoid ABANDONMENT of the application. NO EXTENSIONS OF TIME UNDER 37 CFR 1.136(a) WILL BE GRANTED. Prosecution is otherwise closed.

The proposed amendment filed January 29, 2008 is noted. However, it appears only claim 1, as amended, would comply with the requirements supra. Consequently, the proposed amendment will not be entered. Moreover, the allowable dependent claims noted above are not exclusive of any claimed species. Therefore, the species election imposed November 07, 2002 is hereby rescinded as the previously withdrawn species claims would depend from allowable generic claims.

/Robert M. Fetsuga/  
Primary Examiner, Art Unit 3751